

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATA TREASURY CORPORATION, §
§
Plaintiff, §
§
v. § Civil Action No. 2:06-CV-72 DF
§
WELLS FARGO & COMPANY; et al., §
§
Defendants. §

**AGREED MOTION FOR LEAVE TO EXTEND THE PAGE LIMIT
FOR SUR-REPLY**

Pursuant to Local Rule CV-7(a)(2), Plaintiff, DataTreasury Corporation, hereby moves for leave to file Plaintiff's Sur-Reply In Support of Motion to Dismiss, or In the Alternative, to Stay Pending Arbitration ("Sur-reply"), in excess of the ten-page limit.

Local Rule CV-7(a)(2) limits reply briefs for dispositive motions to ten pages.

Plaintiff's Sur-reply responds only to the relevant facts and arguments presented in [Datatreasury Corporation v. Wells Fargo & Company et al](#)

Defendants' Reply brief, but, despite Plaintiff's efforts to draft an appropriate reply within the 10-page limit, Plaintiff needs additional pages to adequately reply to Defendant's arguments and precedent, many of which were not set forth in the original Motion, and appear for the first time in the Reply brief..

In total, Plaintiffs' Sur-reply is eighteen pages and Plaintiff respectfully requests the Court's leave to file Plaintiff's Sur-reply In Support of Motion to Dismiss, or In the Alternative, to Stay Pending Arbitration, in excess of the 10-page limit. Defendant does not oppose Plaintiff's request for leave. Plaintiff's Sur-reply is attached as Exhibit A.

Respectfully Submitted,

/s/ Karl A. Rupp

ANTHONY BRUSTER
State Bar No. 24036280
R. BENJAMIN KING
State Bar No. 24048592
C. CARY PATTERSON
State Bar No. 15587000
BRADY PADDOCK
State Bar No. 00791394
NIX PATTERSON & ROACH L.L.P.
2900 St. Michael Drive, Suite 500
Texarkana, Texas 75503
Tel. (903)223-3999; Fax (903)223.8520

EDWARD L. HOHN, ATTORNEY IN CHARGE
State Bar No. 09813240
ROD A. COOPER
Texas Bar No. 90001628
EDWARD CHIN
State Bar No. 50511688
NIX PATTERSON & ROACH L.L.P.
Williams Square
5215 North O'Connor Blvd., Suite 1900
Irving, Texas 75039
Tel. (972)831-1188; Fax (972)444-0716
edhohn@nixlawfirm.com
edchin@nixlawfirm.com
rcooper@cooperiplaw.com

JOE KENDALL
Texas Bar No. 11260700
KARL RUPP
Texas Bar No. 24035243
PROVOST UMPHREY, L.L.P.
3232 McKinney Avenue, Suite 700
Dallas, Texas 75204
Tel. (214)744-3000; Fax (214) 744-3015
jkendall@provostumphrey.com
krupp@provostumphrey.com

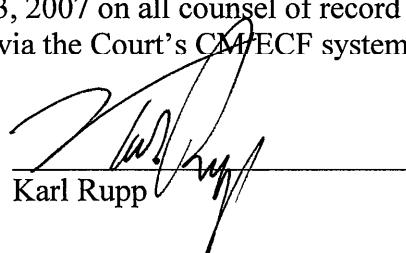
ERIC M. ALBRITTON
Texas Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Tel. (903)757-8449; Fax (903)758-7397
ema@emafirm.com

T. JOHN WARD JR.
Texas Bar No. 00794818
THE LAW OFFICE OF T. JOHN WARD, JR.
P.O. Box 1231
Longview, Texas 75606
Tel. (903)757-6400; Fax (903) 757-2323
jw@jwfirm.com

**ATTORNEYS FOR PLAINTIFF
ATATREASURY CORPORATION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 23, 2007 on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).


Karl Rupp